

AMENDED IN SENATE MAY 23, 2008
AMENDED IN ASSEMBLY MAY 15, 2007
AMENDED IN ASSEMBLY MAY 1, 2007
AMENDED IN ASSEMBLY APRIL 19, 2007
AMENDED IN ASSEMBLY APRIL 12, 2007
AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 724

Introduced by Assembly Member Benoit
(Coauthor: Senator Wiggins)

February 22, 2007

An act to add Section 11834.255 to the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, Benoit. Sober living homes.

Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults.

This bill would provide that a sober living home, as defined, is exempt from licensure under these provisions. The bill also would provide that a residence housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a governmental or recognized

nonprofit organization that provides a credible quality assurance service for applicants or members.

~~The bill would become operative only if SB 992 is enacted and takes effect on or after January 1, 2008.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11834.255 is added to the Health and
2 Safety Code, to read:

3 11834.255. (a) The purpose of this section is to provide a
4 definition of a “sober living home” so as to give both those
5 purporting to operate these facilities and local code and law
6 enforcement agencies the ability to determine whether residences
7 housing former drug and alcohol abusers are exempt from local
8 regulation or exercise of local police powers.

9 (b) For purposes of this chapter, “sober living home” means a
10 residential property that is operated as a cooperative living
11 arrangement to provide an alcohol- and drug-free environment for
12 persons recovering from alcoholism or drug abuse, or both, who
13 seek a living environment in which to remain clean and sober, and
14 that satisfies all of the following requirements:

15 (1) Residents of the facility, including live-in managers,
16 operators, or owners, are living a sober lifestyle.

17 ~~(2) Residents actively participate in legitimate programs,~~
18 ~~including, but not limited to, Alcoholics Anonymous or Narcotics~~
19 ~~Anonymous programs, and maintain current records of meeting~~
20 ~~attendance.~~

21 *(2) Residents actively participate in legitimate recovery*
22 *programs, including, but not limited to, outpatient treatment,*
23 *12-step recovery, and other recognized programs of recovery, and*
24 *maintain current records of meeting attendance.*

25 (3) Owners, managers, operators, and residents observe and
26 promote a zero tolerance policy regarding the consumption or
27 possession of alcohol or controlled substances, except for
28 prescription medications obtained and used under direct medical
29 supervision. The observation and promotion of this policy may
30 take into account demonstrable efforts made by residents to respond
31 to, and prevent additional violations of, the policy.

1 (4) Owners, managers, operators, and residents do not provide
2 onsite any of the following services, as they are defined in
3 paragraph (6) of subdivision (a) of Section 10501 of Title 9 of the
4 California Code of Regulations:

5 (A) Detoxification.

6 (B) Educational counseling.

7 (C) Individual or group counseling sessions.

8 (D) Treatment or recovery planning.

9 (5) The number of residents who are subject to the sex offender
10 registration requirements of Section 290 of the Penal Code does
11 not exceed the limit set forth in Section 3003.5 of the Penal Code
12 and does not violate the distance provisions set forth in Section
13 3003 of the Penal Code.

14 (6) Residents do not require nonmedical care or supervision, as
15 those terms are defined in Section 1503.5 and in Title 22 of the
16 California Code of Regulations.

17 (7) Owners, managers, operators, and residents ensure that the
18 property and its use comply with applicable state and local law.

19 (c) A residence housing those purporting to be recovering from
20 drug and alcohol abuse shall be presumed to be a sober living home
21 if the residence has been certified, registered, or approved by a
22 recognized nonprofit organization that provides a credible quality
23 assurance service for applicants or members.

24 (d) A sober living home shall be exempt from licensure under
25 Chapter 7.5 (commencing with Section 11834.01).

26 (e) Nothing in this section shall be construed to prohibit minor
27 children who are dependents of a resident of the facility from also
28 residing in the facility.

29 ~~SEC. 2. This act shall become operative only if Senate Bill~~
30 ~~992 is enacted and takes effect on or before January 1, 2008.~~